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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/611,884

07/03/2003

Mizuho Shirakura

D-1517

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7590

05/06/2005

HAUPTMAN KANESAKA BERNER PATENT AGENTS
SUITE 300, 1700 DIAGONAL RD
ALEXANDRIA, VA 22314-2848

EXAMINER

JOERGER, KAITLIN S

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/611,884

Applicant(s)

SHIRAKURA, MIZUHO AND
SUZUKI, NAOKI

Examiner

Kaitlin S Joerger

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6, 8 and 11-14 is/are rejected.
- 7) ☐ Claim(s) 7, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoyama et al.

Yokoyama et al. teaches a sheet supply apparatus for supplying a sheet, comprising: a sheet supply tray, 20; an auxiliary tray, 32, movable between a support and storage position; a sheet supply means, 11; a sheet detection means and tray position detection means, SW1, SW2, SW3; and identifying means for identifying a length of the sheet in a supply direction, see columns 3 and 4. Yokoyama et al. does not teach that the sheet detection means is located on the auxiliary tray, however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place the detection means directly on the auxiliary tray, since it has been held that rearranging of parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70.

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The apparatus further comprises a width detection means for detecting a width of the sheet; and determining means for determining a size of the sheet based on the length and width, see column 2, lines 10+. The width detection means is disposed on the supply tray.

Yokoyama et al. does not teach two tray position detection means, however, the one detection means, SW3, provides two signals, ON and OFF, and to indicate the position of the auxiliary tray, whether it be in the support or storage position, and therefore the one sensor is functionally equivalent to the two sensors of the applicant's invention.

The sheet detection means is arranged so that it detects a sheet having a length longer than a first length when the auxiliary tray is at the support position, and is detects a sheet having a length longer than a second length and shorter than a first length when the tray is positioned at the storage position. The identifying means determines that a sheet has a length longer than the first length when the tray position detection means detects the auxiliary tray at the support position, and determines that the sheet has a longer length than the second length and shorter than the first when the tray is detected to be in the storage position.

The detection means includes a first and second sheet detection means; said identifying means determines the length of the sheet stacked on the sheet supply tray based on detection results of the detection means.

Yokoyama et al. does not specifically teach a method for detecting a size of a sheet, but it would have been obvious to one of ordinary skill in the art at the time the invention was made to perform the method steps of claim 12 with the apparatus taught by Yokoyama et al.

Yokoyama et al. also does not specifically claim an image forming apparatus with a reading means, discharge means, and discharge tray, but he does disclose that the sheet feeding

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apparatus can be used in either a printer or a copying machine, and it is obvious to one of ordinary skill in the art that a copying machine is generically comprised of a reading means, discharge means, and discharge tray.

Allowable Subject Matter

Claims 7, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaitlin S Joerger whose telephone number is 571-272-6938. The examiner can normally be reached on Monday - Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 571-272-6944. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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3 May 2005


DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600